

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 135 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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PARSHOTTAMBHAI MADHABHAI

Versus

STATE OF GUJARAT

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Appearance:

THROUGH JAIL assistance rendered by Ms. Subhadraaben Patel, L.A. for Petitioner  
MR MR ANAND, LD.PP with MR ND GOHIL, LD.APP for Respondents

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 12/02/97

ORAL JUDGEMENT

Rule. Service of rule waived by Mr. M.R. Anand, Ld. P.P. with Mr. N.D. Gohil, Ld. A.P.P. for the State.

2. Heard. It appears from the report submitted on behalf of the respondents that the appeal filed by the

prisoner came to be decided on 2/4/1996. The prisoner moved an application through the Jail Superintendent, Central Jail, Vadodara for obtaining parole on this ground on or around 3/12/1996. But considering the guidelines issued by the Government the application was not granted. Besides, the prisoner has undergone jail punishment inter-alia on account of the facts that he surrendered late by 155 days when he was on parole in December 1994. The co-prisoner (co-convict) Batukji, who was on parole is absconding. Thus, despite the fact that the prisoner's jail conduct is good, the prisoner's prayer for enlarging him on parole cannot be entertained bearing in mind the aforesaid facts and circumstances of the case. He might have moved an appropriate appeal or he may move appropriate appeal with application for condonation of delay, if any, through jail.

Rule is accordingly discharged.

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